

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Enoch Sowah	Team: Squad #1	CCRB Case #: 201906673	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 07/29/2019 12:45 AM	Location of Incident: Fulton Street and Marcy Avenue, 79th Precinct stationhouse	Precinct: 79	18 Mo. SOL 1/29/2021	EO SOL 9/15/2021	
Date/Time CV Reported Tue, 07/30/2019 12:21 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 07/30/2019 12:21 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Hinolito Inoa	16168	960709	079 PCT
2. POM Moses Lebron	09546	956831	079 PCT
3. SGT Mark De Los Santos	03955	951672	079 PCT
4. POF Sonya Senra	14981	956253	079 PCT
5. POF Genesis Taffe	03913	966571	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Moses Lebron	Abuse: At Fulton Street and Marcy Avenue in Brooklyn, Police Officer Moses Lebron frisked § 87(2)(b)	
B.POM Moses Lebron	Abuse: At Fulton Street and Marcy Avenue in Brooklyn, Police officer Moses Lebron searched the vehicle in which § 87(2)(b) was an occupant.	
C.POM Hinolito Inoa	Force: At Fulton Street and Marcy Avenue in Brooklyn, Police Officer Hinolito Inoa used physical force against § 87(2)(b)	
D.POF Sonya Senra	Force: At Fulton Street and Marcy Avenue in Brooklyn, Police Officer Sonya Senra used physical force against § 87(2)(b)	
E.POM Hinolito Inoa	Abuse: At Fulton Street and Marcy Avenue in Brooklyn, and at 79th Precinct stationhouse, Police Officer Hinolito Inoa refused to provide his name to § 87(2)(b)	
F.POM Moses Lebron	Abuse: At Fulton Street and Marcy Avenue in Brooklyn, and at 79th Precinct stationhouse, Police Officer Moses Lebron refused to provide her name to § 87(2)(b)	
G.POF Sonya Senra	Abuse: At Fulton Street and Marcy Avenue in Brooklyn, and at 79th Precinct stationhouse, Police Officer Sonya Senra refused to provide her name to § 87(2)(b)	
H.POM Hinolito Inoa	Abuse: At the 79th Precinct stationhouse, Police Officer Hinolito Inoa did not obtain medical treatment for § 87(2)(b)	
I.POM Moses Lebron	Abuse: At the 79th Precinct stationhouse, Police Officer Moses Lebron did not obtain medical treatment for § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
J.POF Sonya Senra	Abuse: At the 79th Precinct stationhouse, Police Officer Sonya Senra did not obtain medical treatment for § 87(2)(b) [REDACTED]	[REDACTED]
K.SGT Mark De Los Santos	Abuse: At the 79th Precinct stationhouse, Sergeant Mark De Los Santos did not obtain medical treatment for § 87(2)(b) [REDACTED]	[REDACTED]
L.SGT Mark De Los Santos	Abuse: At the 79th Precinct stationhouse, Sergeant Mark De Los Santos refused to provide his name to § 87(2)(b) [REDACTED]	[REDACTED]
M.POF Genesis Taffe	Abuse: At the 79th Precinct stationhouse, Police Officer Genesis Taffe did not obtain medical treatment for § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On July 30, 2019, § 87(2)(b) called the CCRB and filed this complaint on behalf of himself.

On July 29, 2019, at approximately 12:49 a.m., Police Officers Moses Lebron, Sonya Senra, and Hinolito Inoa, all from the 79th Precinct, stopped the vehicle in which § 87(2)(b) was an occupant in the vicinity of Fulton Street and Marcy Avenue in Brooklyn for having an inadequate plate lamp. PO Lebron frisked § 87(2)(b) and searched § 87(2)(b)'s vehicle (**Allegations A and B: Abuse of Authority, § 87(2)(g)** PO Inoa used physical force against § 87(2)(b) (**Allegation C: Force, § 87(2)(g)** PO Senra used physical force against § 87(2)(b) (**Allegation D: Force, § 87(2)(g)** PO Inoa, PO Lebron, and PO Senra all refused to provide their names to § 87(2)(b) upon request (**Allegations E through G: Abuse of Authority, § 87(2)(g)** nor did they obtain medical treatment for § 87(2)(b) (**Allegations H through J: Abuse of Authority, § 87(2)(g)** At the 79th Precinct stationhouse, Sergeant Mark De Los Santos refused to obtain medical treatment for § 87(2)(b) (**Allegation K: Abuse of authority, § 87(2)(g)** and refused to provide his name to § 87(2)(b) (**Allegation L: Abuse of Authority, § 87(2)(g)** Police Officer Genesis Taffe of the 79th Precinct also refused to obtain medical treatment for § 87(2)(b) (**Allegation M: Abuse of Authority, § 87(2)(g)**

§ 87(2)(b) was arrested for § 87(2)(b)

(Board Review 01).

A cellphone video recording and six police body worn camera (BWC) videos were received for this incident (Board Review 02 - Board Review 08).

Findings and Recommendations

Allegation (A) Abuse of Authority: At Fulton Street and Marcy Avenue in Brooklyn, Police Officer Moses Lebron frisked § 87(2)(b)

Allegation (B) Abuse of Authority: At Fulton Street and Marcy Avenue in Brooklyn, Police Officer Moses Lebron searched the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that PO Lebron, during the vehicle stop, frisked § 87(2)(b) and searched § 87(2)(b)'s vehicle based on the odor of marijuana. § 87(2)(g)

PO Lebron's BWC (Board Review 02) shows him approaching § 87(2)(b)'s driver's side, whilst PO Senra and PO Inoa approach the front and rear passengers' sides, respectively. The officers order § 87(2)(b) to lower his vehicle's windows. § 87(2)(b) who is the only occupant in the vehicle, complies. PO Lebron then orders § 87(2)(b) to produce his driver's license, registration and insurance card. § 87(2)(b) tells PO Lebron that he does not have his driver's license he has not had the chance to obtain a new one from the Department of Motor Vehicles (DMV). At 01:11, PO Senra swirls her finger and appears to gesture towards PO Lebron. At 01:17, PO Senra asks § 87(2)(b) if he has "any more weed in the car." § 87(2)(b) replies that there is no marijuana in the vehicle. At 01:24, PO Lebron and PO Senra shine their flashlights through the driver and front passenger's windows respectively and towards the vehicle's center console. § 87(2)(b) tells the officers that whatever is in his center console, which is not depicted in the video, is not marijuana, but "fronto" (a type of tobacco leaves). At 01:50, § 87(2)(b) verbally provides his full name and date of birth to PO Lebron. At 02:10, PO Lebron informs § 87(2)(b) that he was stopped because his license plate lights were out, and thus prevented the officers from clearly seeing the vehicle's license plates. § 87(2)(b) replies that he did not know that his license plate lights were out, and that he has no problem with the officers doing their job.

At 02:40, PO Lebron asks § 87(2)(b) to step out of the vehicle, and says the officers smell a strong odor of marijuana from the vehicle. At 04:12, § 87(2)(b) exits his vehicle, at which point PO Lebron moves his hands around § 87(2)(b)'s lower body on the outside of his clothing. PO Lebron then instructs § 87(2)(b) to move to the rear of the vehicle. § 87(2)(b) complies. At 04:35, PO Lebron partially enters the driver's side and searches underneath the driver's seat and the side

and center consoles. He then moves to the rear passenger's seat on the driver's side, and searches underneath the seats. At 06:15, PO Lebron searches underneath both the front and rear seats on the passenger's side. The search appears to have yielded negative results for any contraband.

§ 87(2)(g)

§ 87(2)(b). He denied that his vehicle had any defects, and said at no point did any of the officers inform him the reason for the vehicle stop. He acknowledged that he was familiar with the odor of marijuana, but said he did not consume marijuana that day, nor did his vehicle smell of marijuana. § 87(2)(b) said PO Lebron told him that the officers needed to search his vehicle because they wanted to make sure § 87(2)(b) did not have any weapons or drugs in the vehicle. § 87(2)(b) also did not make any allegations about being frisked during this encounter.

The testimonies of Police Officers Lebron, Senra, and Inoa (Board Review 10 – Board Review 12) were all consistent with the BWC footage. They said they were driving behind § 87(2)(b) when they all observed that § 87(2)(b)'s rear license plate was out, and thus made it impossible for the officers to read the vehicle's license plate number. The officers had no other reasons for stopping § 87(2)(b). The officers, however, upon approach detected a strong odor of marijuana emanating from the vehicle, and PO Lebron and PO Senra also observed what appeared to be marijuana residue in the vehicle's center console. PO Lebron acknowledged that § 87(2)(b) was also in violation of driving without a valid driver's license, but did not recall if § 87(2)(b) was considered under arrest at the time of the frisk and vehicle search, but said the frisk of § 87(2)(b) and the search of the vehicle were purely based on the fact that § 87(2)(b)'s vehicle smelled of marijuana. The search of § 87(2)(b)'s vehicle yielded negative results for any additional quantities of marijuana besides the residue in the center console. PO Lebron did not recall why § 87(2)(b) was not charged with marijuana.

Upon smelling marijuana, officers may search an automobile and its occupants, *People v. Chestnut*, 43 A.D.2d 260 (Board Review 22).

§ 87(2)(g)

Allegation (C) Force: At Fulton Street and Marcy Avenue in Brooklyn, Police Officer Hinolito Inoa used physical force against § 87(2)(b)

Allegation (D) Force: At Fulton Street and Marcy Avenue in Brooklyn, Police Officer Sonya Senra used physical force against § 87(2)(b)

§ 87(2)(b) said PO Inoa and PO Senra remained with him at the rear of his vehicle, whilst PO Lebron searched the vehicle. At some point PO Lebron approached the two officers and § 87(2)(b) and said § 87(2)(b) was free to leave because the vehicle search yielded negative results for any contraband. PO Inoa shook his head, and said § 87(2)(b) was not free to leave. He then whispered something to PO Senra in Spanish, which § 87(2)(b) did not hear nor understand. PO Inoa and PO Senra both told § 87(2)(b) that he was under arrest, and they immediately grabbed § 87(2)(b) by his shoulders and “aggressively” turned him around so that his back was facing the officers. PO Senra grabbed § 87(2)(b)'s arms and “forcefully” pulled and twisted them behind § 87(2)(b)'s back. PO Inoa and PO Senra handcuffed § 87(2)(b) and ordered him to walk to the police

vehicle, which was parked a few feet away. § 87(2)(b) refused to walk and demanded that the officers tell him why he was being arrested as well as request a supervisor to the scene. PO Inoa said there was no need to request a supervisor, and together with PO Senra pushed § 87(2)(b) towards the unmarked vehicle. PO Inoa then pushed § 87(2)(b) inside the backseat of the police vehicle, and thus caused § 87(2)(b) to hit his head and legs against the vehicle's door frame. § 87(2)(b) did not sustain any physical injuries as a result of the officers' alleged use of force, nor did he at any point physically resist the officers.

§ 87(2)(b) said that approximately two civilian bystanders, neither of whom § 87(2)(b) knew, witnessed and recorded this incident on their cellphones, and that one of the civilians, identified via investigation as § 87(2)(b) sent a copy of the footage to § 87(2)(b)'s mother. § 87(2)(b) provided both the footage and § 87(2)(b)'s contact information to the investigation. § 87(2)(b) was, however, unavailable to the investigation (Board Review 13).

The cellphone footage (Board Review 08) § 87(2)(b) provided was of poor quality and mostly blurry. The footage appears to have been recorded after § 87(2)(b) was placed in handcuffs, and mostly shows PO Senra escorting § 87(2)(b) and placing him inside the police vehicle. The footage does not depict the officers using any form of force against § 87(2)(b).

PO Inoa's BWC at 04:09 (Board Review 03), shows him together with PO Senra standing with § 87(2)(b) by the rear of § 87(2)(b)'s vehicle, which is a grey 2012 Range Rover SUV with what appears to be temporary New Jersey license plates. At 05:04, PO Inoa makes a phone call on his mobile device, and requests that a license plate check be performed for § 87(2)(b)'s vehicle. At 08:00, the checks reveal that the license plates were registered to one § 87(2)(b) from Hudson New York, and that the plates were to a 2019 grey Subaru Impreza. PO Inoa then asks the individual on the phone who appears to have performed the checks if the license plate was ever assigned to a grey Range Rover SUV. The individual replies no. At 09:30, PO Inoa informs PO Senra in Spanish that § 87(2)(b) is under arrest for forged instruments. PO Senra orders § 87(2)(b) to turn around and tells him he is under arrest. § 87(2)(b) who is still facing the officers, raises both hands up in the air, and requests to speak with a supervisor. PO Senra orders § 87(2)(b) at least two more times to turn around. At 09:58, § 87(2)(b) complies and places his hands behind his back. PO Senra appears to grab one of § 87(2)(b)'s arms and appears to handcuff § 87(2)(b) but § 87(2)(b) slightly turns to his side, and tells the officers that he is "not going to allow [them] do anything before a captain arrives." PO Senra orders § 87(2)(b) to turn around and not give the officers a hard time. At 10:04, PO Senra appears to push § 87(2)(b)'s left shoulder so that § 87(2)(b) is fully turned and has his back facing the officers. PO Senra handcuffs § 87(2)(b) and then escorts him to the police vehicle. § 87(2)(b) appears to be walking to the police vehicle on his own power, and does not appear to be pushed or shoved by PO Senra or any other officer. At 10:22, PO Senra tells § 87(2)(b) to step into the car. § 87(2)(b) turns his back toward the police vehicle. He then tells PO Senra that she is hurting his arm and she responds that he is giving her a hard time and again orders § 87(2)(b) to enter the vehicle. PO Senra is not observed doing anything but holding § 87(2)(b)'s arm. § 87(2)(b) subsequently enters the vehicle on his own power. At 11:59, PO Inoa closes the vehicle's door.

PO Senra, PO Inoa, and PO Lebron's testimonies § 87(2)(g)

§ 87(2)(b) all denied that PO Senra and PO Inoa used any form of force against § 87(2)(b). NYPD Patrol Guide Procedure 221-01, permits officers to use force when it is reasonable to ensure their safety or a third person, and to gain compliance and prevent escape from custody (Board Review 14).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Abuse of Authority: At Fulton Street and Marcy Avenue in Brooklyn, and at the 79th Precinct stationhouse, Police Officer Hinolito Inoa refused to provide his name to

§ 87(2)(b)

Allegation (F) Abuse of Authority: At Fulton Street and Marcy Avenue in Brooklyn, and at the 79th Precinct stationhouse, Police Officer Moses Lebron refused to provide his name to

§ 87(2)(b)

Allegation (G) Abuse of Authority: At Fulton Street and Marcy Avenue in Brooklyn, and at the 79th Precinct stationhouse, Police Officer Sonya Senra refused to provide her name to

§ 87(2)(b)

Allegation (H) Abuse of Authority: At the 79th Precinct stationhouse, Police Officer Hinolito Inoa did not obtain medical treatment for

Allegation (I) Abuse of Authority: At the 79th Precinct stationhouse, Police Officer Moses Lebron did not obtain medical treatment for

Allegation (J) Abuse of Authority: At the 79th Precinct stationhouse, Police Officer Sonya Senra did not obtain medical treatment for

Allegation (K) Abuse of Authority: At the 79th Precinct stationhouse, Sergeant Mark De Los Santos did not obtain medical treatment for

§ 87(2)(b) said that he requested the names of PO Lebron, PO Inoa, and PO Senra multiple times at the scene of his arrest, en route to the stationhouse, at the stationhouse front desk, and while being lodged in the holding cells, but that all three officers ignored him and never provided him with their names. § 87(2)(b) also said that once he was brought to the 79th Precinct stationhouse, he informed the three officers and the officer at the desk, identified via investigation as Sgt. De Los Santos, that he required medical attention, but all four officers ignored him. § 87(2)(b) did not state why he required medical attention. § 87(2)(b) repeated his request for medical attention while PO Lebron, PO Inoa and PO Senra lodged him inside the holding cell. PO Inoa said the officers would request an ambulance for § 87(2)(b) but § 87(2)(b) was never removed to the hospital nor did he receive any form of medical attention at the stationhouse. § 87(2)(b) did not state why he required medical attention.

PO Inoa recorded the entirety of this incident on his BWC. His camera was activated from the time of the vehicle stop up until the time § 87(2)(b) was brought to the 79th Precinct stationhouse and was lodged in the holding cell. PO Inoa's BWC does not show § 87(2)(b) requesting any of the officers' names at the scene of the vehicle stop, during the transport to the stationhouse, at the stationhouse front desk, or while being lodged inside the holding cells, nor does the footage depict § 87(2)(b) requesting medical attention at the stationhouse front desk, holding cells, or any point during this incident (Board Review 03).

PO Lebron, PO Inoa, and PO Senra, all denied that § 87(2)(b) requested their names at any point during this incident, and said, in addition to their names being clearly visible on their nameplates, they would have provided their names to § 87(2)(b) upon request. They also denied that § 87(2)(b) requested that they take him to the hospital, and said they would have requested an ambulance for § 87(2)(b) had he made such a request.

Sgt. De Los Santos (Board Review 15) did not recall hearing § 87(2)(b) request medical attention either directly from him or from any of the other officers, but said he would have immediately requested an ambulance for § 87(2)(b) had such a request been made.

§ 87(2)(g)

Allegation (L) Abuse of Authority: At the 79th Precinct stationhouse Sergeant Mark De Los Santos refused to provide his name to § 87(2)(b)

§ 87(2)(b) said he requested Sgt. De Los Santos' name, but that Sgt. De Los Santos said his name was not necessary, and that § 87(2)(b) would get that information on his arrest paperwork. § 87(2)(b) however, never received any paperwork from the stationhouse with Sgt. De Los Santos' name.

PO Inoa's BWC (Board Review 03) at 21:20, shows § 87(2)(b) arguing with Sgt. De Los Santos, who is not depicted in the camera frame. At 22:00, § 87(2)(b) says to Sgt. De Los Santos, "What is your name by the way?" Sgt. De Los Santos replies, "My name is sergeant." § 87(2)(b) responds, "Sergeant who?" Sgt. De Los Santos says to § 87(2)(b) "You will get it (inaudible)." At 22:10, § 87(2)(b) says to Sgt. De Los Santos, "No. What if it is not on my paperwork?" Sgt. De Los Santos says to § 87(2)(b) "When we go back there we will talk."

Sgt. De Los Santos acknowledged that he was the officer captured in the video speaking with § 87(2)(b) but said he did not recall § 87(2)(b) requesting his name. Sgt. De Los Santos said it was possible he provided his name to § 87(2)(b) but that his response was so low that § 87(2)(b) did not hear it, nor was it captured in the footage. Sgt. De Los Santos did not know why he did not provide his name to § 87(2)(b) when it appeared that § 87(2)(b) possibly did not hear Sgt. De Los Santos provide his name, and said it was possible he did not repeat his name to § 87(2)(b) because § 87(2)(b) did not appear to be attentive.

NYPD Patrol Guide Procedure 203-09, requires that all officers clearly state their rank, name, shield number and command, or otherwise provide them, to anyone who requests them to do so (Board Review 16).

§ 87(2)(g)

Allegation (M) Abuse of Authority: At the 79th Precinct stationhouse Police Officer Genesis Taffe did not obtain medical treatment for § 87(2)(b)

§ 87(2)(b) said that at some point after he was lodged in the holding cell, he informed the cell attendant, identified via investigation as PO Genesis Taffe (Board Review 17), that he wanted to go to the hospital, but that PO Taffe ignored him. § 87(2)(b) was alone in the cell when he requested medical treatment, and said he never received medical treatment at the stationhouse. He also never requested medical attention when he was transported to Central Bookings, nor did he seek medical treatment upon his release.

PO Taffe (Board Review 18) had no recollection of this incident, and denied refusing to obtain medical treatment for § 87(2)(b) or any prisoner in the cells.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to seven CCRB complaints and has been a named victim in 26 allegations (Board Review 19):
 - § 87(2)(b)

§ 87(2)(b)

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Sgt. De Los Santos has been a member-of-service for eight years and has been a subject in four CCRB complaints and three allegations, none of which were substantiated, § 87(2)(g) [REDACTED].
- PO Senra has been a member-of-service for six years and has been a subject in nine CCRB complaints and 24 allegations, of which three were substantiated:
 - Case #201706037 involved a substantiated discourtesy, frisk and search allegations. The Board recommended charges, and the NYPD imposed formalized training.
 - § 87(2)(g) [REDACTED].
- PO Lebron has been a member-of-service for six years and has been a subject in six CCRB complaints, and 11 allegations, of which one was substantiated:
 - Case #201710310 involved a substantiated vehicle search allegation. The Board recommended Command Discipline B. The NYPD imposed no penalty.
 - § 87(2)(g) [REDACTED].
- PO Inoa has been a member-of-service for four years and has been a subject in three CCRB complaints and six allegations, none of which were substantiated, § 87(2)(g) [REDACTED].
- PO Taffe has been a member-of-service for two years, and this is the first CCRB complaint to which she has been a subject.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of June 16, 2020, the New York City Office of the Comptroller had no record of a Notice of Claim being filed in regards this to complaint (Board Review 20).

• [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

Squad No.: 1

